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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/505,486	02/16/2000	Timothy Robert Bratton	6037-003	5826

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EXAMINER

BACKER, FIRMIN

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/505,486

Applicant(s)

BRATTON, TIMOTHY ROBERT

Examiner

FIRMN BACKER

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-25,30-32,35-39,44-46 and 49-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-25,30-32,35-39,44-46 and 49-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Response to Amendment

1. An amendment was file on July 26th, 2005.
2. Claims 22-25, 30-32, 35-39, 44-46 and 49.
3. Claims 1-21, 26-29, 33-34, 40-43, 45-48 have been canceled
4. Claims 50-68 have been added.
5. Claims 22-25, 30-32, 35-39, 44-46, 49, and 50-68 remain pending.

Response to Arguments

6. Applicant's arguments with respect to claims 22-25, 30-32, 35-39, 44-46, 49, and 50-68 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 22, 36, 52 and 60 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claims 22, 36, 52 and 60 recite the limitation "the encrypted first data file" in paragraph 4. Although Applicant recites the limitation "encrypting at least a portion of the first data file" Examiner interpreting the recitation as a "portion" of the data file is encrypted and not the whole file. Therefore, there is insufficient antecedent basis for this limitation in the claim.

10. Claims 22, 36, 52 and 60 limitation "a selected one of the encrypted first data file and the second data file" in paragraphs 4. The limitation is not clear as to what is selected since the second data file was not previously encrypted. Appropriate correction is requested.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 22-25, 30-32, 35-39, 44-46, 49 and 50-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reitmeier et al (U.PG Pub No. 2002/0003881) in view of Maeng (U.S. Patent No. 6,476,873).

13. As per claims 22, 36, 52 and 60, Reitmeier et al teach a method for delivering a digital method comprising: sound file to a computing device, the dividing the digital sound file into first and second data files, the first data file comprising the digital sound file having at least one segment removed from each of a plurality of locations within the digital sound file, and the second data file comprising the segments removed from each of a plurality of locations within the digital sound file; encrypting at least a portion of the first data file using an encryption key (*see paragraphs 0005-0008, 0016, 0024, 0025, 0029, 0036*). Reitmeier et al fail to teach communicating/storing to the electronic device/removable storage device, for delivery to the

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computing/electronic device, a selected one of the encrypted first data file on the second data file; and communicating/storing to the electronic device/removable storage device to another computing/electronic device for streaming to the computing device, the unselected one of the first and second data files. However., Maeng et al teach communicating/storing to the electronic device/removable storage device, for delivery to the computing/electronic device, a selected one of the encrypted first data file on the second data file; and communicating/storing to the electronic device/removable storage device to another computing/electronic device for streaming to the computing device, the unselected one of the first and second data files (*see abstract, column 2 line 53-3 line 35*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reitmeier et al teaching to include Maeng et al's communicating/storing to the electronic device/removable storage device, for delivery to the computing/electronic device, a selected one of the encrypted first data file on the second data file; and communicating/storing to the electronic device/removable storage device to another computing/electronic device for streaming to the computing device, the unselected one of the first and second data files because this would have provided a multimedia and more particularly, to displaying a selected area of video having a greater image quality than an unselected area of video.

14. As per claims 23, 37, 53 and 61, Reitmeier et al teach a method comprises a plurality of segments, and the dividing the digital sound file into first and second data files comprises: removing a portion of the plurality of segments from the digital sound file storing the un-

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removed segments in the first data file; and storing the removed segments in the second data file (*see paragraphs 0005-0008, 0016, 0024, 0025, 0029, 0036*).

15. As per claims 24, 38, 54 and 62, Reitmeier et al teach a method wherein the second data file includes a data supplement that indicates location within the digital sound file of the removed segments, separation distance between two consecutive removed segments within the digital sound file, and a portion of the encryption key (*see paragraphs 0005-0008, 0016, 0024, 0025, 0029, 0036*).

16. As per claims 25, 39, 63, Reitmeier et al teach a method wherein encrypted key includes parameter that uses information from at least one of the removed segments (*see paragraphs 0005-0008, 0016, 0024, 0025, 0029, 0036*).

17. As per claims 30, 44, 50, 55 and 64, Reitmeier et al teach a method for creating comprising: a digital sound file by a computing device, receiving from a removable storage medium and persistently storing by the computing device a selected one of an encrypted first data file and a second data file, the first data file comprising the digital sound file having at least one segment removed from each of a plurality of locations within the digital sound file, and the second data file comprising the segments removed from each of a plurality of locations within the digital sound file (*see paragraphs 0005-0008, 0016, 0024, 0025, 0029, 0036*). Reitmeier et al fail to teach receiving by the computing device, a data stream comprising the unselected one of the first and second data files, decrypting the encrypted first data file; and combining the

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decrypted first data file and the second data file to form the digital sound file. However., Maeng et al teach receiving by the computing device, a data stream comprising the unselected one of the first and second data files, decrypting the encrypted first data file; and combining the decrypted first data file and the second data file to form the digital sound file (*see abstract, column 2 line 53-3 line 35*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reitmeier et al teaching to include Maeng et al's receiving by the computing device, a data stream comprising the unselected one of the first and second data files, decrypting the encrypted first data file; and combining the decrypted first data file and the second data file to form the digital sound file because this would have provided a multimedia and more particularly, to displaying a selected area of video having a greater image quality than an unselected area of video.

18. As per claims 31, 45, 56 and 65, Reitmeier et al teach a method wherein the second data file includes a data supplement that indicates a location within the digital sound file of the removed segments, separation distance between two consecutive removed segments within the digital sound file, and a portion of an encryption key for decrypting the encrypted first data file (*see paragraphs 0005-0008, 0016, 0024, 0025, 0029, 0036*).

19. As per claims 32, 46, 57 and 66, Reitmeier et al teach a method wherein the first and second data files each include one or more segments, and combining the decrypted first data file and the second data file to form the digital sound file comprises: using the data supplement to

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position the segments from the first and second data files into the digital sound file (*see paragraphs 0005-0008, 0016, 0024, 0025, 0029, 0036*).

20. As per claims 35, 49, 58 and 67, Reitmeier et al teach a method wherein decrypting the encrypted first data file includes using a key, at least one parameter of the key is determined by the computing device from information in the second data file (*see paragraphs 0005-0008, 0016, 0024, 0025, 0029, 0036*).

21. As per claims 30, 51, 59 and 68, Reitmeier et al teach a method further comprising storing the selected and the unselected one of the first and second data files in persistent and non-persistent storage respectively (*see paragraphs 0005-0008, 0016, 0024, 0025, 0029, 0036*).

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (*see form 892*).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

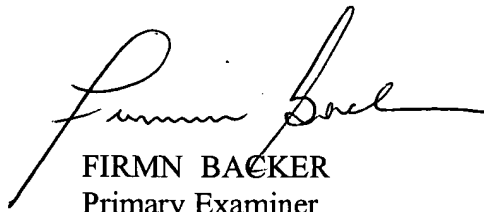
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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FIRMN BACKER whose telephone number is 571-272-6703. The examiner can normally be reached on Monday - Thursday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



FIRMN BACKER
Primary Examiner
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September 30, 2005